

1 SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
shawn@manganolaw.com
2 SHAWN A. MANGANO, LTD.
9960 West Cheyenne Avenue, Suite 170
3 Las Vegas, Nevada 89129-7701
Tel: (702) 683-4788
4 Fax: (702) 922-3851

5 J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
cchoons@righthaven.com
6 *Assistant General Counsel at Righthaven LLC*

7 JOSEPH C. CHU, ESQ.
Nevada Bar No. 11082
jchu@righthaven.com
8 *Staff Attorney at Righthaven LLC*
9 Righthaven LLC
9960 West Cheyenne Avenue, Suite 210
10 Las Vegas, Nevada 89129-7701
(702) 527-5900

11 *Attorneys for Plaintiff Righthaven LLC*
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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
16
17

18 RIGHTHAVEN LLC, a Nevada limited-
liability company,
19
20 Plaintiff,
21 v.
22 CENTER FOR INTERCULTURAL
ORGANIZING, a not-for-profit Oregon entity;
23 and KAYSE JAMA, an individual,
24 Defendants.
25
26
27
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Case No.: 2:10-cv-01322-JCM-LRL

**DECLARATION OF SHAWN A.
MANHANO, ESQ. IN SUPPORT OF
PLAINTIFF’S REPOSE TO ORDER TO
SHOW CAUSE AND, ALTERNATIVELY,
REQUEST FOR A CONITNUANCE TO
CONDUCT DISCOVERY PURSUANT TO
FRCP 56(f)**

1 Shawn A. Mangano, being duly sworn, deposes and says:

2 1. I am counsel of record for Righthaven LLC (“Righthaven”) in the above-
3 referenced matter, and I have personal knowledge of the facts set forth herein and I am
4 competent to testify thereto and could and would so testify under oath if called to do so.

5 2. This declaration is made in support of Plaintiff’s Response to Order to Show
6 Cause and, Alternatively, Request for a Continuance to Conduct Discovery Pursuant to FRCP
7 56(f) (the “Response”).

8 3. Attached hereto as Exhibit “1” are true and correct copies of materials printed
9 from Defendants Center for Intercultural Organizing (“CIO”) and Kayse Jama (“Mr. Jama”;
10 collectively with CIO known herein as the “Defendants”) publicly available Internet domain
11 located at <interculturalorganizing.org> (the “Website”), which illustrate a portion of
12 Defendants’ membership and donation marketing efforts.

13 4. I recently substituted in as counsel of record for Righthaven.

14 5. Defendants’ have not answered Righthaven’s Complaint in this matter.
15 Righthaven has conducted no discovery – written or otherwise – in this case.

16 6. Righthaven intends to, at the very least, propound requests for production of
17 documents and requests for admission in this case. Righthaven additionally intends to conduct
18 the deposition of Mr. Jama, as well as the depositions of persons most knowledgeable on a
19 variety of topics pursuant to Federal Rule of Civil Procedure 30(b)(6). Given that I have only
20 recently filed an appearance in this case, I am in the process of preparing written discovery
21 requests and evaluating deposition topics under Federal Rule of Civil Procedure 30(b)(6). I
22 anticipate that written discovery efforts will target, at a minimum, the Website traffic received by
23 Defendants during the time of their alleged infringement, the economic and non-economic
24 benefits associated with same, as well as their knowledge of the copyright protected material at-
25 issue in this case and any prior claims of infringement threatened, made or resolved against
26 them.

27 7. I anticipate that written discovery requests will be propounded, but not answered
28 by Defendants, and requests for applicable deposition dates will be made of Defendants prior to

1 the Court's December 16, 2010 hearing on the Order to Show Cause. In view of the foregoing,
2 Righthaven respectfully requests the Court permit, at the very least, this discovery to be
3 conducted pursuant to Federal Rule of Civil Procedure 56(f) in the event it is inclined to dismiss
4 the copyright infringement claims pursuant to Federal Rule of Civil Procedure 56.

5 I declare under penalty of perjury that the foregoing is true and correct to the best of my
6 knowledge.

7 Dated this 29th day of November, 2010.

8
9 By: /s/ Shawn A. Mangano
SHAWN A. MANGANO, ESQ.

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby certify that I am an employee of Righthaven LLC and that on this 29th day of November, 2010, I caused the **DECLARATION OF SHAWN A. MANAGANO, ESQ. IN SUPPORT OF PLAINTIFF'S REPOSE TO ORDER TO SHOW CAUSE AND, ALTERNATIVELY, REQUEST FOR A CONTINUANCE TO CONDUCT DISCOVERY PURSUANT TO FRCP 56(f)** to be served by the Court's CM/ECF system.

SHAWN A. MANGANO, LTD.

By: /s/ Shawn A. Mangano
SHAWN A. MANGANO, ESQ.
Nevada Bar No. 6730
shawn@manganolaw.com
9960 West Cheyenne Avenue, Suite 170
Las Vegas, Nevada 89129-7701
Tel: (702) 683-4788
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J. CHARLES COONS, ESQ.
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ccoons@righthaven.com
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jchu@righthaven.com
Staff Attorney at Righthaven LLC
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Attorneys for Plaintiff Righthaven LLC